

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

FREDRICK HERMAN FISHER,

Plaintiff,

v.

Case No. 06-CV-11110-DT

PATRICIA L. CARUSO, et al.,

Defendants.

---

**OPINION AND ORDER OF ASSIGNMENT OF COUNSEL**

While Plaintiff appears to have never formally requested counsel in any docket entries for the above-captioned case, on November 9, 2006 Plaintiff filed a request for counsel in his earlier-filed case (03-71804). This November 9, 2006 request asked the court to appoint counsel for his retaliation claims, which exist only in the later-filed case. The instant case alleges retaliation based on the filing of the 2003 case. The court denied the motion for counsel, because at the time the cases were not consolidated and it was improper for Plaintiff to request in one case counsel for another, later-filed case. (Case No. 03-71804, 11/29/06 Order.) Since then, the court has appointed counsel in Plaintiff's earlier-filed case. (Case No. 03-71804, 12/20/06 Order.) Further, the court conducted a telephone conference with counsel in that case on February 27, 2007, and counsel agreed that consolidation would be appropriate in light of Sixth Circuit authority regarding exhaustion rules that the United States Supreme Court recently overturned in *Jones v. Bock*, \_\_\_ U.S. \_\_\_, 127 S.Ct. 910 (2007). Appointed counsel agreed to take additional responsibility for the retaliation claims.

The court has determined that the above-named plaintiff, presently proceeding *pro se* in this matter, would benefit from the assistance of counsel. The below-named attorney, listed among those counsel willing to accept pro bono assignments, has informed the court's *pro bono* staff that he is prepared to accept assignment in this matter. Accordingly,

IT IS ORDERED that Douglas Salzentstein (P59288), Attorney-at-Law, whose mailing address is: Honigman, Miller, Schwartz and Cohn, 2290 First National Building, Detroit, MI 48226; (313) 465-7542, is hereby assigned to represent the above-named plaintiff<sup>1</sup> in this matter, unless this assignment is terminated by (1) order of the court, (2) assignment of substitute counsel or (3) termination of the matter before the court.

IT IS FURTHER ORDERED that:

1. Legal services shall be provided by the assigned counsel without cost and that he shall proceed as counsel of record for plaintiff from this date forward;
2. Upon assigned counsel's request, copies of all pleadings filed to date in this matter shall be provided by the court at no cost;
3. This case is subject to 42 U.S.C. § 1988 with regard to awarding of attorney fees; and

---

<sup>1</sup>Plaintiff's Mailing Address is:  
Frederick Fisher (#143746)  
Ryan Correctional Facility  
Detroit, MI 48212

4. Assigned counsel may request to withdraw from this matter only through filing a motion, with notice to plaintiff, setting forth full particulars as to why such a motion should be granted.<sup>2</sup>

IT IS FURTHER ORDERED that Plaintiff inform the court in writing within thirty (30) days of receiving this order if he objects to appointment of counsel for his retaliation claims.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 28, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

---

<sup>2</sup>If reasonably required, such particulars may be contained in a brief proffered for filing *ex parte* and under seal.